IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIFTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO: 12996 of 2004

Between:

1 Mallu Penchala Reddy, S/o Venkata Narasa Reddy,
R/o Brahmanapalli and Penna Baduvelu Village, Kaluvai

Mandal, Nellore District
2 Mallu KOndamma, W/o Sri Venkataiah,
R/o Brahmanapalli and Penna Baduvelu Village, Kaluvai

Mandal, Nellore District
3 Mallu Ramanamma, L.R.and Wife of Sri Lakshmi Narasa

Reddy, R/o Giddaluru Village, Sydapuram Mandal,

Nellore District
4 Mallu Ramulamma, L.R.and Wife of Nagi Reddy,
Giddaluru Village, Sydapuram Mandal, Nellore District
5 Mallu Penchal Reddy, S/o Narasaiah,
R/o Brahmanapalli and Penna Baduvelu Village, Kaluvai

Mandal, Nellore District
6 Mallu Venkata Reddy, S/o Venkata Ramaiah,
R/o Brahmanapalli and Penna Baduvelu Village, Kaluvai

Mandal, Nellore District
7 Chintamamreddy Subbamma, W/o Penchalaiah,
R/o Brahmanapalli and Penna Baduvelu Village, Kaluvai

Mandal, Nellore District
8 Nuteti Penchalaiah, Son and L.R.of Bondaiah,
R/o Giddaluru Village, Sydapuram Mandal, Nellore

District
9 Chintemmareddy Subbamma, L.R.and Wife of

Penchalaiah, R/o Giddaluru Village, Sydapuram Mandal,

Nellore District

10 Mallu Ramulamma, L.R.and Daughter of Lanka Ademma,
R/o Giddaluru Village, Sydapuram Mandal, Nellore

District
11 Budigi Subbamma, W/o Pedda Subbaiah,
R/o Brahmanapalli and Penna Baduvelu Village, Kaluvai

Mandal, Nellore District
12 Kopparapu Subramanyam, S/o Subbaramaiah,
R/o Brahmanapalli and Penna Baduvelu Village, Kaluvai

Mandal, Nellore District
13 Somisetti Venkata Sunil Kumar (Grand son) L.R.of

S.Balaiah, R/o Giddaluru Village, Sydapuram Mandal, Nellore

District
14 Vonteru Narayana, S/o Kondaiah,
R/o Brahmanapalli and Penna Baduvelu Village, Kaluvai Mandal,

Nellore District
15 Vonteru Kondaiah, S/o Pedda Kondaiah,
R/o Brahmanapalli and Penna Baduvelu Village, Kaluvai Mandal,

Nellore District
16 Vonteru Rosaiah, S/o Kondaiah,
R/o Brahmanapalli and Penna Baduvelu Village, Kaluvai Mandal,

Nellore District
17 Vonteru Yanadamma, L.R.and Wife of Yanadaiah,
R/o Giddaluru Village, Sydapuram Mandal, Nellore District
18 Vonteru Chinna Babaiah, S/o Kondaiah,
R/o Brahmanapalli and Penna Baduvelu Village, Kaluvai Mandal,

Nellore District
19 Vonteru Yerikalaiah, S/o Kondaiah,
R/o Brahmanapalli and Penna Baduvelu Village, Kaluvai Mandal,

Nellore District
20 Nijamani Chinnaiah, S/o Penchalaiah,
R/o Brahmanapalli and Penna Baduvelu Village, Kaluvai Mandal,

Nellore District
21 Chintammareddy Penchalaiah, S/o Naraiah,
R/o Brahmanapalli and Penna Baduvelu Village, Kaluvai Mandal,

Nellore District
22 Budigi Yanadi Reddy @ Yanadaiah, S/o Pedda Rosaiah,
R/o Brahmanapalli and Penna Baduvelu Village, Kaluvai Mandal,

Nellore District
23 Jammana Thirupal Reddy, S/o Venkataiah,
R/o Brahmanapalli and Penna Baduvelu Village, Kaluvai Mandal,

Nellore District
24 Mallu Ramalakshamma, Wife and L.R.of Narasimha Reddy,
R/o Giddaluru Village, Sydapuram Mandal, Nellore District

25 Rapuri Penchalaiah, S/o Konda Reddy,
R/o Brahmanapalli and Penna Baduvelu Village, Kaluvai Mandal,

Nellore District
26 Mallu Basireddygari Narasimhulu, S/o Nagaiah,
R/o Brahmanapalli and Penna Baduvelu Village, Kaluvai Mandal,

Nellore District
27 S.Narasimha Reddy, S/o Penchalaiah,
R/o Brahmanapalli and Penna Baduvelu Village, Kaluvai Mandal,

Nellore District
28 Parapalli Subbamma (Daughter), L.R.and daughter of Mallu

Ramakrishnaiah,
R/o Giddaluru Village, Sydapuram Mandal, Nellore District
29 Ballapalli Adilakshmma, W/o Chinna Ramaiah,
R/o Brahmanapalli and Penna Baduvelu Village, Kaluvai Mandal,

Nellore District
30 Bathala Venkata Subbamma, W/o Venkataramanna,
R/o Brahmanapalli and Penna Baduvelu Village, Kaluvai Mandal,

Nellore District
31 Upparapalli Narasimhulu, S/o Penchalaiah,
R/o Brahmanapalli and Penna Baduvelu Village, Kaluvai Mandal,

Nellore District
32 Nuteti Penchalaiah (Son) L.R.and son of Narasimhulu, S/o

Ramaiah, R/o Giddaluru Village, Sydapuram Mandal, Nellore

District
33 Mallu Chinnappa Reddy (Son), L.R.and S/o Penchala Reddy,
R/o Giddaluru Village, Sydapuram Mandal, Nellore District
34 Mallu Narasimha Reddy, S/o Venkataramaiah,
R/o Brahmanapalli and Penna Baduvelu Village, Kaluvai Mandal,

Nellore District
35 Dasari Peddaiah, S/o Guravaiah,
R/o Brahmanapalli and Penna Baduvelu Village, Kaluvai Mandal,

Nellore District
36 Boyalla Jangamaiah, S/o Guruvaiah,
R/o Brahmanapalli and Penna Baduvelu Village, Kaluvai Mandal,

Nellore District
37 Boyalla Santamma (daughter), L.R.and D/o B.guravaiah @

Peesaiah, R/o Giddaluru Village, Sydapuram Mandal, Nellore

District
38 Boyalla Yerra Guruvaiah, S/o Yerra Guruvaiah,
R/o Brahmanapalli and Penna Baduvelu Village, Kaluvai Mandal,

Nellore District
39 Bizamani Yanadaiah, S/o Chinnaiah,

R/o Brahmanapalli and Penna Baduvelu Village, Kaluvai Mandal,

Nellore District
40 Dasari Venkataiah, S/o Venkataiah,
R/o Brahmanapalli and Penna Baduvelu Village, Kaluvai Mandal,

Nellore District
41 Dasari Venkataiah @ Tellaiah, S/o Gurvaiah,
R/o Brahmanapalli and Penna Baduvelu Village, Kaluvai Mandal,

Nellore District
42 Dasari Peda Chinnaiah, S/o Guruvaiah,
R/o Brahmanapalli and Penna Baduvelu Village, Kaluvai Mandal,

Nellore District
43 Dasari Penchalamma, W/o Chinna Venkataiah,
R/o Brahmanapalli and Penna Baduvelu Village, Kaluvai Mandal,

Nellore District
44 Boyalla Guruvaiah, S/o Jangamaiah,
R/o Brahmanapalli and Penna Baduvelu Village, Kaluvai Mandal,

Nellore District
45 Boyalla Narasamma, W/o Guruvaiah,
R/o Brahmanapalli and Penna Baduvelu Village, Kaluvai Mandal,

Nellore District
46 Chelamukuru Chinnamma, W/o Yanadaiah,
R/o Brahmanapalli and Penna Baduvelu Village, Kaluvai Mandal,

Nellore District
47 Dasari Peddaiah (Son), L.R.and son of Guruvaiah,
R/o Giddaluru Village, Sydapuram Mandal, Nellore District
48 Chilakakolu Kondaiah, S/o Narasaiah,
R/o Brahmanapalli and Penna Baduvelu Village, Kaluvai Mandal,

Nellore District
49 Boyalla Pichamma, W/o Chinna Guruvaiah,
R/o Brahmanapalli and Penna Baduvelu Village, Kaluvai Mandal,

Nellore District
50 Kodikotuhala Balakondaiah, S/o Obaiah,
R/o Brahmanapalli and Penna Baduvelu Village, Kaluvai Mandal,

Nellore District
51 Chelamakuri China Yanadaiah, S/o Penchalaiah,
R/o Brahmanapalli and Penna Baduvelu Village, Kaluvai Mandal,

Nellore District
52 Chilamakuri Chinna Yanadaiah, S/o Chinnaiah,
R/o Brahmanapalli and Penna Baduvelu Village, Kaluvai Mandal,

Nellore District
53 Dasari Chinnaiah, S/o Pitchaiah,
R/o Brahmanapalli and Penna Baduvelu Village, Kaluvai Mandal,

Nellore District

54 Chelamakuri Ramaiah (son), L.R.and son of Yerukalaiah,
R/o Giddaluru Village, Sydapuram Mandal, Nellore District
55 Nariki Chinnaiah, S/o Chinna Penchalaiah,
R/o Brahmanapalli and Penna Baduvelu Village, Kaluvai Mandal,

Nellore District
56 Dasari Chinna Venkataiah, S/o Chinna Venkataiah,
R/o Brahmanapalli and Penna Baduvelu Village, Kaluvai Mandal,

Nellore District
57 Nariki Narasaiah, S/o Chinna Penchalaiah,
R/o Brahmanapalli and Penna Baduvelu Village, Kaluvai Mandal,

Nellore District
58 Nariki Penchalaiah, S/o Chinna Penchalaiah,
R/o Brahmanapalli and Penna Baduvelu Village, Kaluvai Mandal,

Nellore District
59 Nariki Peddaiah (Son), L.R.and son of Narasaiah,
R/o Giddaluru Village, Sydapuram Mandal, Nellore District
60 Dasari Chinnaiah, S/o Venkataiah,
R/o Brahmanapalli and Penna Baduvelu Village, Kaluvai Mandal,

Nellore District
61 Syed Nane Saheb, S/o Hussainaiah,
R/o Brahmanapalli and Penna Baduvelu Village, Kaluvai Mandal,

Nellore District
62 Somisetty Lakshmamma, Wife and L.R. of Lakshmaiah,
R/o Giddaluru Village, Sydapuram Mandal, Nellore District
63 Somisetty Venkata Subbaiah (Dattu, son), L.R.and Son of

Lakshmamma, W/o Subbaiah,
R/o Giddaluru Village, Sydapuram Mandal, Nellore District
64 Somisetty Subba Rao, S/o Subbarayudu,
R/o Brahmanapalli and Penna Baduvelu Village, Kaluvai Mandal,

Nellore District
65 Somisetty Ramaiah, L.R.and Son of Rangamma,
R/o Giddaluru Village, Sydapuram Mandal, Nellore District
66 S.Ramanaiah, Son-in-law L.R.of S.Sreeramulu,
R/o Giddaluru Village, Sydapuram Mandal, Nellore District
67 Somisetty Nageswara Rao, S/o Subba Rayudu,
R/o Brahmanapalli and Penna Baduvelu Village, Kaluvai Mandal,

Nellore District
68 Somisetty Chenchamma, (Wife) L.R.and Wife of Venkata Ramaiah,
R/o Giddaluru Village, Sydapuram Mandal, Nellore District
69 Guda Ramamma, L.R.and wife of Somireddy,
R/o Giddaluru Village, Sydapuram Mandal, Nellore District
70 Thummala Penta Subbarayudu, S/o Venkata Subbaiah,
R/o Brahmanapalli and Penna Baduvelu Village, Kaluvai Mandal,

Nellore District
71 Manda Obaiah, S/o Narasaiah,
R/o Brahmanapalli and Penna Baduvelu Village, Kaluvai Mandal,

Nellore District
72 Pola Yanadaiah, S/o Narasaiah,
R/o Brahmanapalli and Penna Baduvelu Village, Kaluvai Mandal,

Nellore District
73 Dasari Guruvaiah, S/o Venkataiah,
R/o Brahmanapalli and Penna Baduvelu Village, Kaluvai Mandal,

Nellore District
74 Somisetty Murali, L.R.and Son of Venkata Subbaiah, S/o Papaiah,
R/o Giddaluru Village, Sydapuram Mandal, Nellore District
75 Somisetty Venkatasubbaiah, (Dattu), S/o Subbaiah,
R/o Brahmanapalli and Penna Baduvelu Village, Kaluvai Mandal,

Nellore District
76 Mallu Venkata Reddy (Son), L.R.and Son of M.Ramulamma,L.R.of

Venkata Reddy, R/o Giddaluru Village, Sydapuram Mandal,

Nellore District
77 Chiripireddy Subbalakshmamma, L.R.and Wife of Audinarayana

Reddy, R/o Giddaluru Village, Sydapuram Mandal, Nellore

District
78 Chiripireddy Chinna Adinarayana Reddy, S/o Pedda Naraiah,
R/o Brahmanapalli and Penna Baduvelu Village, Kaluvai Mandal,

Nellore District
79 Chiripireddy Keshaval Reddy, S/o Narasaiah,
R/o Brahmanapalli and Penna Baduvelu Village, Kaluvai Mandal,

Nellore District
80 Chiripireddy Narayana Reddy, S/o Chinna Naraiah,
R/o Brahmanapalli and Penna Baduvelu Village, Kaluvai Mandal,

Nellore District
81 Sunnapureddy Konda Reddy, S/o Balakondaiah,
R/o Brahmanapalli and Penna Baduvelu Village, Kaluvai Mandal,

Nellore District
82 Chiripureddy Bhaskara Reddy, S/o Kesaval Reddy,
R/o Brahmanapalli and Penna Baduvelu Village, Kaluvai Mandal,

Nellore District
83 Pesala Vemakka, Wife of Nagaiah,
R/o Brahmanapalli and Penna Baduvelu Village, Kaluvai Mandal,

Nellore District
84 Pesala Atchamma, Wife and L.R.of Rosaiah @ Chantaiah,
R/o Giddaluru Village, Sydapuram Mandal, Nellore District
85 Pesala Naga Subba Reddy, Son and L.R.of Nagaiah,
R/o Giddaluru Village, Sydapuram Mandal, Nellore District
86 Iragamreddy Obulamma, Wife adn L.R.of Shesha Reddy,
R/o Giddaluru Village, Sydapuram Mandal, Nellore District

87 Mummadi Sesha Reddy, L.R.and Son of Gangi Reddy,
R/o Giddaluru Village, Sydapuram Mandal, Nellore District
88 Paturu Konda Reddy, S/o Pedda Ramaiah,
R/o Brahmanapalli and Penna Baduvelu Village, Kaluvai Mandal,

Nellore District

... PETITIONERS

AND

1 The Special Deputy Collector, Land Acquisition, Somasila

Project, Unit-IV, Rajampet, Cuddapah District.
2 The Special Collector, Land Acquisition, Telugu Ganga

Project, Near KVR Petrol Bunk, Nellore.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, Order or direction more particularly one in the nature of a Writ of Mandamus declaring the action of the 1st respondent here in not passing orders on the 28-Applications filed by the petitioners seeking re-determination of the amount of compensation on the basis of the award of the court which have been acknowledged by the 1st respondent on 3-9-90, in respect of their lands situated in Vakamada Village, Siddavatam Taluk, Cuddapah District which have been acquired by the 1st respondent herein for public purpose vide Award Number 11/80-81 dated 23-12-1980 as highly illegal, arbitrary and violative of Principles of Natural Justice.

Counsel for the Petitioners: MRS.S.NANDA

Counsel for the Respondents: GP FOR LAND ACQUISITION

The Court at the stage of admission made the following:

ORDER:

Petitioners who have not availed benefit under Section 18 of the Land Acquisition Act (for short 'the Act') filed an application under Section 28-A of the Act for re-determination of compensation. Since no orders on the said application have been passed by the Land Acquisition Officer, petitioners moved this Court by way of the present writ petition contending that the application filed by them was well within the time after excluding the time spent in obtaining the certified copy of the impugned order, which is filed along with the application.

2. In view of the same, the Land Acquisition Officer has to verify whether the said application filed by the petitioners is well within the time and whether they have not availed the benefit of reference under Section 18 of the Act and can pass appropriate orders within a period of three months from the date of receipt of a copy of this order and communicate the same to the petitioners.

The writ petition is accordingly disposed of. No costs.

_____

A. **GOPAL REDDY, J**

October 5, 2004

MRR

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To:

1 The Special Deputy Collector, Land Acquisition, Somasila

Project, Unit-IV, Rajampet, Cuddapah District.

2 The Special Collector, Land Acquisition, Telugu Ganga

Project, Near KVR Petrol Bunk, Nellore .

3 Two C.C. s to the G.P. for Land Acquisition, High Court Buildings, Hyderabad (OUT)

4 Two C.D. Copies.